

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jernstrom

Application No.: 09/508,129

Filing Date: 03/07/2000

Title: A POLE

Group Art Unit/Examiner: 3635/NGUYEN, Chi Q.

Attorney Docket No.: PAT121USA

PETITION FOR WITHDRAWAL OF HOLDING OF ABANDONMENT

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby petitions the Commissioner to withdraw the holding of abandonment in the instant application, based on nonreceipt of an Office communication, wherein the period for response had expired.

Support for presentation and granting of this petition is provided by:

- MPEP 711.03(c)(II)-“PETITIONS TO WITHDRAW THE HOLDING OF ABANDONMENT,”;
- the decision in *Delgar, Inc. v. Schuyler*, 172 USPQ 513 (D.D.C. 1971), and

Date of Deposit: _____ I hereby certify that this paper/fee is being deposited with the United States Postal Service as First Class Mail-Postage Prepaid, under 37 CFR 1.8, on the date indicated above, and is addressed to the Assistant Commissioner For Patents, Washington, D.C. 20231.

Name

Signature

- the procedures outlined in 1156 O.G. 53, November 16, 1993.

The undersigned attorney, who has at all times been the attorney of record in this application, states as follows:

- (1) That the Patent Office communication at issue, an alleged Office Action dated May 20, 2005, which according to the Notice of Abandonment dated March 2, 2006, was mailed to his office on March 20, 2005, was not received by Skinner and Associates.
- (2) That a search of the file jacket and docket records of the attorney was conducted to confirm non-receipt of the communication, and that search concluded that the Office communication was not received.
- (3) That a search of the USPTO website under the Image File Wrapper and Transaction History indicates no such Office Action was issued or mailed.
- (4) That a *telephone* call to the Examiner on April 13, 2006 was made and the Examiner informed us that he would look into the matter and get back to us. We never heard back from the Examiner.
- (5) That a *written* Status Inquiry was filed on April 13, 2007 and we never received a status update.
- (6) As evidence that the office action was not issued, mailed or received, copies of (1) USPTO website Image File Wrapper dated March 5, 2010, and (2) website File History dated March 5, 2010.
- (7) Also attached is a Terminal Disclaimer signed by the attorney of record.

On the basis of the showing set forth above, Applicant respectfully requests that its petition be granted, that the holding of abandonment be withdrawn, and that a copy of the

Office communication of May 20, 2005, if it actually exists, be mailed to applicant's attorney.

RULE 136(a) PETITION/AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT

It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time under 37 CFR 1.136(a) and that the fee therefor, as well as underpayment in any other fees, be charged, or any overpayment in fees be credited, to Deposit Account No. 19-2381.

Respectfully submitted,


Joel D. Skinner, Jr., Reg. No. 33,786

Date: 3-12-10

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Enclosure

cc:

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